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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,358	08/21/2000	Zvi Or-Bach	OR-Bach3	8171

7590 07/08/2003  
Michael Mogan  
129 4th Street  
Colusa, CA 95932

EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/642,358

Applicant(s)

OR-BACH ET AL.

Examiner

David Q Le

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-- Th MAILING DATE of this c mmunication appears on the c ver sheet with the corresp ndence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 21 August 2000 .
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31, 60 and 61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: . . .

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## **DETAILED ACTION**

### ***Examiner's Note***

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

### ***Claim Objections***

2. Claims 30-60 are objected to because of the following informality: there are two (2) distinct claims numbered 30. For the purpose of this examination, the second claim 30 will be referred to as claim 31, and all numbers of all subsequent claims will be incremented by one (i.e. there are now 61 claims pending). Appropriate correction is required when submitting a Response to this Action.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-32 and 60-61, drawn to a tracking or inventory management system, are classified in class 705 subclass 28..
  - II. Claims 33-59, drawn to vehicle control, guidance, and fleet operation system, are classified in class 701 subclass 213.
4. Claim 42 links inventions I and II. The restriction requirement restricting the linked inventions is subject to the nonallowance of the linking claim(s), claim 42. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking

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claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the vehicle control/guidance – fleet operation system can operate perfectly well without signal responsive tags, i.e., using manual recording of vehicles and packages. The subcombination has separate utility such as tracking clothing apparel, food packages, etc, separate from the claimed combination..

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Attorney of Record Kenneth Leeds on 23 June 23, 2003, a provisional election was made with traverse to prosecute the invention of Invention I, claims 1-32 and 60-61. Affirmation of this election must be made by Applicant in replying to this Office action. Claims 33-59 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-31, 60-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Belcher et al.** in view of **Garber et al.**, US Patents No. 5,920,287 and 6,232,870 B1, respectively.

As per **claims 1, 5, 6, 8, 10**

Belcher discloses

A system/method comprising:

a delivery vehicle (Abstract, Summary, Fig 1, "vehicle tracking (moving or stored)";  
"shipping containers");  
a set of packages within said vehicle, said packages having a signal responsive tag (Fig 1: "pallet storage");  
a transmitter/pointing device for querying one of the signal responsive tags within said vehicle to thereby locate the package corresponding to said signal responsive tag (Fig 1: "interrogator #30"); and  
means for identifying a package corresponding to said queried signal responsive tag (Fig 1: "asset management database, "RF processor system"; associated text). [claims 1, 5, 6)

Belcher also discloses (above citations; C2, L80 – C3 L2)

providing a signal for querying a signal responsive tag, said tag being within or affixed to said package within said vehicle;  
receiving a reply signal from said tag;  
determining the location of the tag in response to the reply signal from the tag and indicating the location of the tag [claim 8].

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Belcher does not specifically disclose  
an output structure coupled to said tag for providing an audible or visible output  
identifying the package corresponding to said queried tag [claims 6, 8, 10]

However Garber does disclose exactly a reading device with light and audio feedback  
features (Fig 13; C14, L53 – C15, L10: “feedback systems”).

It would have been obvious to one ordinarily skilled in the art at the time the invention  
was made to have combined the features disclosed by both Belcher and Garber so that the  
envisioned system would provide maximum flexibility in automatic and individual scanning of  
vehicles and packages for monitoring and management.

As per claims 13, 14, 19, 20, 21, 27.

Belcher discloses (Summary, Fig 1, associated text)

A system/method comprising:

a vehicle for carrying packages;

means for determining when the vehicle reaches a destination (C2, L80 – C3, L2); and

Belcher does not specifically disclose

means for generating a list of transactions at said destination when said vehicle is  
determined to have arrived at said destination [claims 13, 14, 19].

However Belcher teaches that his RF locating system may be used in many different  
applications (C12, L30-L59). One such obvious application to one ordinarily skilled in the art at  
the time the invention was made would be to further automate shipping, delivering, picking up,  
and taking possession of goods, in order to fully utilize the capabilities of the system.

Another obvious application would be advising shippers and receivers alike of the time  
when goods have moved from or reached certain locations, therefore meeting the further  
limitations:

automatically communicating a to a purchaser when the goods have arrived at said  
destination [claims 20, 21, 27]

As per claims 28 and 32.

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Belcher discloses (all above citations; Fig 1: "Asset Management Database"; associated text):

A method/system comprising:

providing a set of packages on a vehicle, at least some of said packages comprising a signal responsive tag within or affixed thereto;  
providing a database listing said packages within said vehicle;  
removing at least some of said packages from said vehicle;  
scanning the tags within or affixed to said packages; and  
updating said database in response to said scanning.

As per claims 2-4, 7, 9, 11-12, 15, 17-18, 22-26, 29-31.

Belcher in view of Garber discloses all the limitations of independent claims 1, 5-6, 8, 10, 13-14, 19-21, 27-28, 31.

Belcher in view of Garber further disclose (see obviousness and motivation analyses above for the respective limitations):

[claim 2] signal responsive tag is an RFID.

[claim 3] means for identifying comprises at least one light beam source for pointing to said package with a light beam.

[claim 4] means for identifying comprises a sound 17generating device or a light source coupled to said RFID. 18

[claim 7] tag is an RFID and the output structure is either a light emitting device coupled to the queried RFID for providing a visible output identifying said RFID or a sound emitting device coupled to the queried RFID for 17providing an audible output identifying said RFID.

[claim 11] tag is an RFID and said audible indication is provided by a sound-emitting device coupled to the RFID.

[claim 12] tag is an RFID and said visible indication is 17provided by a light-emitting device coupled to the RFID.

[claim 15] automatically sensing comprises sensing a RFID

[claim 17] list of transactions comprises a list of packages to be taken off of said vehicle and delivered to said destination.

[claim 18] list of transactions comprises a list of packages 18to be placed on said vehicle from said destination.

[claim 22] sensing a RFID within or affixed to said vehicle.

[claim 23] sensing RFIDs within or affixed to said packages.

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[claim 25] sensing device automatically senses when the vehicle has arrived at said destination, said sensing device being coupled via a WAN (Belcher: Fig 1) to a computer system, said computer system initiating a message to a purchaser in response to the arrival of said vehicle.

[claim 26] automatically senses when the packages have arrived at said destination, said sensing device being coupled via a WAN to a computer system, said computer system initiating a message to a purchaser in response to the arrival of said vehicle.

[claim 29] tags are RFIDs and said scanning is accomplished with a scanner, said scanner providing a RF signal for querying said RFIDs and for receiving reply signals generated by said RFIDs in response to said signal for querying, said database being contained within one or more memory devices that are coupled to said scanner via a WAN.

[claim 30] tags are RFIDs and said providing of said database comprises scanning the RFIDs of packages loaded onto said vehicle to thereby establish a list of said packages within said vehicle.

[claim 31] querying said database to ascertain the location of said package.

As per **claims 16 and 24**.

Both references are silent on a GPS being affixed to the vehicle, said automatically sensing being performed by said GPS.

However, because GPS has become a well-known popular, and cost effective method for accurate determination of a geographical location, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to have integrated this feature into Belcher's system, so that the process of locating vehicles and packages would be even more reliable, accurate, and fast, thus attracting even more users to the system.

As per **claims 60-61**.

Belcher in view of Garber disclose (see all above citations)

A method/system comprising: providing a computer system having one or more databases, said one or more databases tracking the location of a set of packages and a set of deliveries to be made, at least some of said packages containing or being coupled to machine readable indicia identifying said package; scanning said machine readable indicia when said packages are delivered to a destination; and updating said one or more databases in response to said scanning.



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**Conclusion**

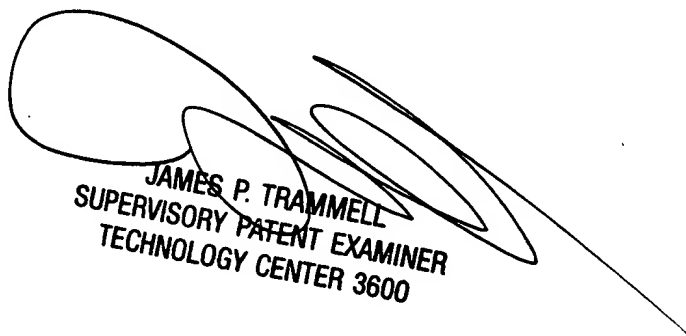
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-8494 for regular communications and 703-746-8494 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DQL

June 28, 2003



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